

REMARKS

Reconsideration and allowance of this paper are respectfully requested in view of the above amendment and the discussion below.

Applicants acknowledge with gratitude the allowability of the subject matter of claims 3, 5, 8, 10, 13, 15, 18 and 20 if those claims were rewritten in independent form.

Remaining Claims 1, 2, 4, 6, 7, 9, 12, 14, 16, 17 and 19 have been rejected under 35 USC §103 as unpatentable over Durand FR 2510737 in view Burkhardt et al. U.S. Patent No. 3,487,721 for the reasons indicated at item 2 on pages 3 and 4 of the Patent Office Action.

In response to these rejections Applicants have amended independent claims 1 and 16 to incorporate the subject matter of respective and now cancelled dependent claims 2 and 17. The remaining claims have been amended to provide proper dependency on the two independent claims.

The present invention concerns a mobile operating assembly which provides electrical energy with two internal combustion engines 21, 23 and two generators 22, 24. The engines and the generators are mutually connected by a transmission gearing 20 having several shifting clutches 4, 4', 5, 5'. The shifting clutches are electrically controlled so that each of the engines and/or both engines together can drive each of the generators and/or both of the generators together.

As indicated by the wording of independent claims 1 and 16, the present invention provides a gearing connection so that the operating variants of the torque transmission can function in the linear, crosswise, or combined mode as detailed at paragraph [0012] of the specification. These three modes are claimed in each of independent claims 16 and 17 with these claims now further reciting that one partial gearing has an engine-side shifting clutch and a generator side shifting clutch arranged in line with respect to one of the two internal combustion engines and one of the two generators respectively. These two

partial gearings are coupled by a belt drive at the output side of the two engine side shifting clutches.

In order to address the features which distinguish the present invention from the references or their combination, the following comments are made with respect to the references of record.

The reference to Durand '737 has an assembly wherein the generator 28 and the motor 32 are mutually connected by distribution system 30, 34. In Durand, the connection between the combustion engine 26 and the generator 28 is fixed. Therefore, combustion engine 26 can only drive the generator 28 that is directly attached to it. Looking at Fig. 2 of Durand, the combustion engine 26 on the left side of the figure cannot be connected to the generator 28 that is attached to the combustion engine on the right side of the figure. The reverse with respect to the engine 26 on the right side of the figure and the generator 28 on the left side of the figure is also true. Therefore, Applicants submit that both the engines 26 and the generator 28 are not mutually connected and does not meet the limitations of independent claim 1 and 16, and thus can not perform the claimed function. Additionally, Applicants submit that the distribution systems 30 and 34 of Durand are hydraulic or electrical where the presently claimed invention, as defined by amended independent claims 1 and 16, provide a mechanical connection.

The secondary reference to Burkhardt '721 has an engine 1a which is only able to be connected to generator 9a and in a similar manner engine 1b can only be connected to generator 9b so that there is no mutual connection as defined by claims 1 and 16. Additionally, each of the engines, the clutches and the generators are not arranged in line in Burkhardt with respect to each other. The transmission shafts 6g, 7a and 6h, 7d are shifted with respect to each other by means of gears 6e and 6f so that the width is increased. While the engines 1a and 1b can be, to a limited degree, mutually connected to the pumps 12a and 12b this is a different functionality than the presently claimed invention in the sense that Burkhardt has each engine driving both pumps together by the gear 15

which is not a belt drive but is made of a plurality of gear wheels. However, driving the single pump 12b by the single engine 1a and driving the single pump 12a by the single engine 1b is not possible. Additionally, pump 12a, clutch 10a and engine 1a are not in line with respect to each other so that the shafts 6g and 8a as well as the shaft of the pump 12a are arranged in three different lines by the gears 6a and 15. In conclusion the structure of Burkhardt is complex and lacks the operational flexibility defined by the distinguishing features of the presently claimed invention.

The Office Action further contains an indication at items 1 and 2 Information Disclosure Statement is not a proper Information Disclosure Statement. In response to this indication, Applicants submit that the specification on page 2 refers to the British document GB 267,607 which was submitted in the Information Disclosure Statement of November 5, 2003 including a copy of the reference. As a second objection the Office Action indicates that publication DE 3741891 was not considered because it does include a concise explanation of the relevance. Applicants submit that the Supplemental Information Disclosure Statement filed on May 7, 2004 included in a Search Report listing DE 3741891 as technological background. Accompanying this European Search Report was an English translation of the category of cited document which indicated that the meaning of Category A is technology background.

Therefore Applicants respectfully request that document DE 3741891 be considered and also respectfully submit that the reference discussed in the Background of the Invention was listed properly on a Form PTO-1449 submitted on November 5, 2003.

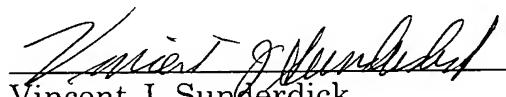
Therefore, in view of the distinguishing features between the claimed invention and the references which features are not shown or disclosed or made obvious by the references or their combination, Applicants respectfully request that this application containing claims 1, 3-16 and 18 be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101280.52840US).

Respectfully submitted,

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